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Preparatory Commission for the International Criminal Court

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Proceedings of the Preparatory Commission at its seventh session (26 February-9 March 2001)

Draft summary

Rapporteur: Mr. Salah **Suheimat** (Jordan)

1. The Preparatory Commission for the International Criminal Court, established in accordance with resolution F adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, met at United Nations Headquarters from 26 February to 9 March 2001, in accordance with General Assembly resolution 55/155 of 12 December 2000.

2. In accordance with paragraph 2 of resolution F of the Conference, the Preparatory Commission consists of representatives of States which signed the Final Act of the Conference and other States which were invited to participate in the Conference.

3. Under paragraph 4 of General Assembly resolution 55/155, the Secretary-General was requested to reconvene the Preparatory Commission, in accordance with resolution F of the Conference, from 26 February to 9 March and from 24 September to 5 October 2001, so as to continue to carry out the mandate of that resolution and, in that connection, to discuss ways to enhance the effectiveness and acceptance of the Court.

4. In accordance with paragraph 6 of General Assembly resolution 55/155, the Secretary-General invited, as observers to the Preparatory Commission, representatives of organizations and other entities that have received a standing invitation from the General Assembly, pursuant to its relevant resolutions, to participate in the capacity of observers in its sessions and work, and also invited as observers to the Commission representatives of interested regional intergovernmental organizations and other interested international bodies, including the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda.

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5. Under paragraph 7 of the same resolution, non-governmental organizations may participate in the work of the Preparatory Commission by attending its plenary and its other open meetings, in accordance with the rules of procedure of the Commission, receiving copies of the official documents and making available their materials to delegates.

6. The Bureau of the Preparatory Commission, which was elected at its 1st and 2nd meetings, on 16 and 22 February 1999, continued its work, with the following composition:

Chairman:
Philippe Kirsch (Canada)

Vice-Chairmen:
George Winston McKenzie (Trinidad and Tobago)
Medard R. Rwelamira (South Africa)
Muhamed Sacirbey (Bosnia and Herzegovina)

Rapporteur:
Salah Suheimat (Jordan)

7. The Director of the Codification Division of the Office of Legal Affairs of the United Nations Secretariat, Václav Mikulka, acted as Secretary of the Preparatory Commission. The Codification Division provided the substantive servicing for the Commission.

8. At its seventh session, the Preparatory Commission proceeded with its work on the basis of its agenda (PCNICC/1999/L.1), which was adopted on 16 February 1999.

9. In accordance with the decision taken at its 26th meeting, on 8 December 2000, the Preparatory Commission agreed on a work plan for the seventh session providing for the consideration of five items — the Relationship Agreement between the Court and the United Nations, the Financial Regulations and Rules of the Court, the Agreement on the Privileges and Immunities of the Court, the Rules of Procedure of the Assembly of States Parties and the crime of aggression.

10. The Coordinators for the first four items, who were designated by the Chairman, in consultation with the Bureau, at the sixth session of the Preparatory Commission, continued their work during the seventh session, as follows:

(a) Cristian Maquieira (Chile), Coordinator for the Relationship Agreement between the Court and the United Nations;

(b) Georg Witschel (Germany), Coordinator for the Financial Regulations and Rules of the Court;

(c) Phakiso Mochochoko (Lesotho), Coordinator for the Agreement on the Privileges and Immunities of the Court;

(d) Saeid Mirzaee-Yengejeh (Islamic Republic of Iran), Coordinator for the Rules of Procedure of the Assembly of States Parties.

11. At its 27th meeting, on 26 February 2001, the Chairman, in consultation with the Bureau, designated Silvia Fernandez de Gurmendi (Argentina) as the Coordinator for the crime of aggression in the light of the unavailability of the

previous Coordinator, Mr. Tuvako Manongi (United Republic of Tanzania), for this item.

12. At its 29th meeting, on 9 March 2001, the Preparatory Commission decided, in accordance with its mandate under resolution F of the Conference, to consider at its eighth session, in addition to the five items considered at its seventh session ... [to be completed]. The Preparatory Commission also decided to establish working groups on the two new items.

13. At the same meeting, the Chairman announced that Zsolt Hetesy (Hungary) would continue as contact point for general issues.

14. At its 29th meeting, on 9 March 2001, the Preparatory Commission also took note of the oral reports of the Coordinators for the five items considered at the seventh session. At the same meeting, for ease of reference of delegations, the Commission requested the Secretariat to prepare a document on the basis of the oral reports of the Coordinators and to annex it to the proceedings of the seventh session.

15. At its 28th meeting, on 6 March 2001, the Preparatory Commission was addressed by Hans Holthuis, Registrar of the International Tribunal for the Former Yugoslavia.

16. The Preparatory Commission noted with satisfaction that, during its seventh session, 13 delegates had made use of the trust fund which, pursuant to paragraph 8 of General Assembly resolution 53/105 of 8 December 1998, had been established to facilitate the participation of the least developed countries in the work of the Commission. The International Human Rights Law Institute of DePaul University provided accommodation for the delegates that attended the seventh session. The Preparatory Commission also expressed its appreciation for the recent contributions to the trust fund by Denmark and the European Commission.

17. The list of documents relating to the five items considered at the seventh session is contained in annex I to the present document.